

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD SIMPSON,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. 3:23-cv-05545-BHS

ORDER

THIS MATTER is before the court on Magistrate Judge Leupold's Report and Recommendation (R&R), Dkt. 7, recommending the Court deny pro se plaintiff Richard Simpson's motion for leave to proceed *in forma pauperis*, Dkt. 1, as to the bulk of the defendants he has named. It recommends that the Court dismiss his complaint against those defendants without prejudice, for failure to state a plausible claim, even after he filed an amended complaint, Dkt. 6, in response to Judge Leupold's prior Order, Dkt. 4. The R&R also recommends that the Court grant Simpson's application to proceed *in forma pauperis* as to his claims against defendant Lacey police officer Aaron Pruneda, concluding that Simpson has stated a plausible § 1983 claim against him.

1 Simpson objects to the R&R, arguing among other things that prosecutorial
2 immunity is not in the Constitution, but was “fabricated” by judges, many of whom were
3 formerly prosecutors. He asserts that the legal system is in disarray and horribly corrupt.
4 Dkt. 8 at 4–6.

5 “The district judge must determine de novo any part of the magistrate judge’s
6 disposition that has been properly objected to. The district judge may accept, reject, or
7 modify the recommended disposition; receive further evidence; or return the matter to the
8 magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). A party properly objects
9 when the party files “specific written objections” to the report and recommendation as
10 required under Federal Rule of Civil Procedure 72(b)(2).

11 “[I]n providing for a de novo determination . . . Congress intended to permit
12 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to
13 place on a magistrate’s proposed findings and recommendations.” *United States v.*
14 *Raddatz*, 447 U.S. 667, 676 (1980) (internal quotation marks omitted). Accordingly,
15 when a district court adopts a magistrate judge’s recommendation, the district court is
16 required to merely “indicate[] that it reviewed the record de novo, found no merit
17 to . . . [the] objections, and summarily adopt[] the magistrate judge’s analysis in [the]
18 report and recommendation.” *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023).
19 In so doing, district courts are “not obligated to explicitly address [the] objections.” *Id.* at
20 437.

21 The Court has considered the R&R and Simpson’s objections to it, and it agrees
22 with the R&R. Therefore, the R&R is **ADOPTED**. Simpson’s application to proceed *in*

1 *forma pauperis* is **DENIED**, and his complaint against defendants State of Washington,
2 the Washington State Attorney General's Office, the Thurston County Prosecutor's
3 Office, the Lewis County Superior Court, Providence Centralia Hospital, the City of
4 Lacey Police department, Yvonne Nageotte, and Nageotte, Nageotte & Nageotte, P.C.,
5 are **DISMISSED without prejudice** and without leave to further amend, for failure to
6 state a plausible claim. Simpson's application to proceed *in forma pauperis* on his claim
7 against defendant Corporal Aaron Pruneda is **GRANTED**, as that claim is plausible.

8 IT IS SO ORDERED.

9 Dated this 22 day of September, 2023.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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